DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

**Galveston District** 

FILE NUMBER:

D-17212/3

REGULATORY PROJECT MANAGER:

John Davidson

Date: 2 June 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 9 May 2006

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas Orange

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 30-8-59.7815 N; 94-0-25.9114 W

53 Acres

Name of Waterway or Watershed

Lower Neches River

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources <sup>1</sup>				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment							
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination					
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			Х							
Is or would be used as habitat by other migratory birds that cross state lines?			X							
Is or would be used as habitat for endangered species?				-	X					
Is used to irrigate crops sold in interstate commerce				X						

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

### TYPE OF DETERMINATION:

### PRELIMINARY or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contained an unnamed tributary to Anderson Gully and a wetland adjacent to the tributary. These are waters of the United States. The tract also contains wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed

D-17212/3

tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District FILE NUMBER: D-18466 Site 6  REGULATORY PROJECT MANAGER: Mark Pattillo Date: 7 April 2006 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): At project site (Y/N): PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): Name of waterway or watershed:  SITE CONDITIONS:														
Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 8	ac 25-50 a	c > 50 ac	Linear	Unknown					
								feet						
Lake	$\boxtimes$	닏	<u> </u>											
River	Ц		<u> </u>	<u> </u>			-							
Stream		<del>                                     </del>	<u>H</u>	14	<del></del>		-		<u> </u>					
Dry Wash														
Mudflat														
Sandflat														
Wetlands														
Slough														
Wet meadow			$\vdash$					-	<u> </u>					
Playa lake	<del>-   </del>		屵	$\dashv \vdash \vdash$		H	$\dashv \dashv =$	<del>                                     </del>						
Vernal pool	<del>                                     </del>		片	ᅥ片	$\dashv \vdash \vdash$	$\dashv \vdash \vdash$	<b>  -</b>		片					
Natural pond	H	$\vdash$	片	<del>-   -   -   -   -   -   -   -   -   -  </del>		$\dashv \vdash$	$\dashv \vdash \vdash$	<del>                                     </del>						
Other water (identify type)														
<sup>1</sup> Check appropriate boxes that best jurisdictional aquatic resource are		type of isolat	ted, no	on-navigable	e, intra-state	water presen	t and best estima	te for size of no	on-					
Migratory Bird Rule Factors <sup>1</sup> :				If K	nown		If Unk	nown						
Migratory Dird Nuic Factors.					iiow ii		Use Best Profess		ıt					
				Yes	No	Predicted	Not Expected		le To Make					
Is or would be used as habitat for h	oirds prot	ected by				to Occur	Occur	Deter	rmination					
Migratory Bird Treaties?  Is or would be used as habitat by o	_	•	hat											
cross state lines?  Is or would be used as habitat for e	endangere	d species?												
Is used to irrigate crops sold in into	erstate cor	nmerce?		H		H								
			appli	cability of th	ne Migratory	Bird Rule to	apply to onsite, i		nal, isolated,					
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.  TYPE OF DETERMINATION: Preliminary □ or Approved ☒														
ADDITIONAL INFORMATION SUPPORTING NJD (required):  1. Site/Environmental Conditions  Total Size of Non-Jurisdictional Water Feature  Does water feature extend off of project site? Y/N  Would proposed discharge fill entire water feature? Y/N  Number of water features determined Non-Jurisdictional  Other relevant information														
2. Rationale for determination	, includii	ng intormat	tion r	eviewed to	assess pote	ntial naviga	tion or intersta	te commerce						

- connections: Isolated, non-navigable, intrastate water, which has no known nexus to interstate commerce.
- 3. Do waters of the U.S. exist on the site? Y/N

If Yes, approximate size of jurisdictional water(s):

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:  Galveston District  D-18466 Site 5  REGULATORY PROJECT MANAGER:  Mark Pattillo  Date: 7 April 2006  Y  Date: 7 April 2006  At project site (Y/N):  N  Date: PROJECT LOCATION INFORMATION:  State:  County:  Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): Name of waterway or watershed:  SITE CONDITIONS:  Type of aquatic resource 1 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac > 50 ac Linear Unknown																
Type of aquatic resource <sup>1</sup>	0-1	ac :	1-3 ac	3-5 ac	5-1	10 ac	10-2	25 ac	25-50	ac	> 50	ac	Line	ar	Un	known
Lake						1	+	_			$\overline{}$		feet			
River	$\square$			+#-	┵	<u> </u> 			$\vdash$						늗	
Stream	+		<del></del>	╁╫╴	⊣⊨	<u></u>			$\dashv$						늗	
Dry Wash			Η_	$+$ $\vdash$ $\vdash$	┵	<del> </del>			∺						┾	
<u> </u>	Mudflat															
Sandflat																
Sandflat																
Wetlands Slough																
Prairie pothole	$\blacksquare$				╅	1	一片		Ħ						┲	
Wet meadow	〒		$\overline{\sqcap}$	╅		1	一片		Ħ		Ħ				┮	
Playa lake	Ħ					1			Ħ		Ħ				▔	
Vernal pool	一一		$\overline{\Box}$		╅	ī	一百		币		Ħ					
Natural pond	一		$\overline{\sqcap}$			j										
Other water (identify type)																
<sup>1</sup> Check appropriate boxes that bes jurisdictional aquatic resource are		ribe ty	pe of is	olated, no	on-navi	gable,	intra-st	ate wate	r prese	nt and	best	estimat	e for :	size of r	non-	
Migratory Bird Rule Factors1:						If Kn	own					If Unkn				
					7.			+-	••••			Profession				To Make
					Y	es	No		edicted Occur	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		pected t ccur	to			nation
Is or would be used as habitat for Migratory Bird Treaties?	birds	protect	ted by						Occur		]		1	$\boxtimes$	<u> </u>	
Is or would be used as habitat by o	ther i	nigrate	ry biro	ls that							] _			$\boxtimes$		
Is or would be used as habitat for	endan	gered :	species:	?										$\boxtimes$		
Is used to irrigate crops sold in int														$\boxtimes$		
<sup>1</sup> Check appropriate boxes that bes non-navigable, intra-state aquatic				for appli	cabilit	y of the	Migra	tory Bir	d Rule	to app	ly to o	nsite, n	on-ju	risdicti	onal	, isolated, _
TYPE OF DETERMINATION	V:		F	Prelimin	ary 🗀	] or	Аррі	oved [	⊴							
ADDITIONAL INFORMATION SUPPORTING NJD (required):  1. Site/Environmental Conditions Total Size of Non-Jurisdictional Water Feature																
	Does water feature extend off of project site? Y/N															
Would proposed discharge fill entire water feature? Y/N Number of water features determined Non-Jurisdictional																
		Nun	nber o	f water :	featur	es dete	ermine	d Non-	Jurisdi	ction	al					
		Oth	er rele	vant inf	ormat	ion										
2. Rationale for determination	2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce															

- connections: Isolated, non-navigable, intrastate water, which has no known nexus to interstate commerce.
- 3. Do waters of the U.S. exist on the site? Y/N

If Yes, approximate size of jurisdictional water(s):

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District D-18466 Site 3  REGULATORY PROJECT MANAGER: Mark Pattillo Date: 7 April 2006 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): At project site (Y/N): N Date: PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): Name of waterway or watershed:  SITE CONDITIONS:																						
SITE CONDITIONS: Type of aquatic resource <sup>1</sup>	0-	1 ac	1-3	ac	3-	5 ac	5	-1(	) ac	10-	-25	ac	25	-50 ac	Ţ;	> 50	) ac	Lin	ear	Ū	nkr	10WN
Lake	<u> </u>	7	<del> </del>	1	┝	_	╀	7			1	$\dashv$	_	1	╀,	_		feet	t		_	
River	N/L	1	╁╞═	<u>]</u>	┞╞	┥	╁	븍		누	<u></u>		뉴	<u> </u>	┼	4				<u> -</u>	+	
Stream	누	<u></u>	┼┾	<u>]</u> 1	┞╞	┪	╁┾	븍		+	<u></u>	-	┾	<u>]</u> 1	<del>   </del>	븍				<u> </u>	╬	
Dry Wash	<del></del>																					
Mudflat	누	╬	╁┾	<u> </u> 	┝	_	╁	븍		┝	<u>.                                    </u>	$\dashv$	누	<u>]</u>	+	븍				┝	┽	
Sandflat	누	┽	╁╞═	<u>.                                    </u>	┞╞	╡	╁	╡		늗	┪		누	1	╁	╡				┝	╬	
Wetlands	┝	╡	╁╞╸	<u>.</u> 1	╁┾	┪	╁	╡		누	┽	-	┢	<u>-</u>	╁	╡				┝	┿	
Slough	누	╡	╁╞═	1	╁┾	┪	╁┾	╡		-	╬┈		┢	1	╁	븎				┝	┿	
Prairie pothole	누	┪	╁┾	<u>.                                    </u>	╁┾	┪	╁	=		누	┽	$\dashv$	누	<u>.                                    </u>	H	븎				┝	┿	
Wet meadow	┝	┪	╁┾	1	╁┾	╡	╁	╡		┝	┪		┢	<del></del>	H	╡				╁	┪	
Playa lake	┝	┪	╁┾	1	╁┾	╡	╁	╡		┝	┽	-	┢	1	╁	╡				┝	┿	
Vernal pool	누	┪	╁╞╴	i	╁┾	<del>1</del>	╁	╡		┝	┪		╌┝╴	1	H	뻒				╁	┪	
Natural pond	┝	╡	╁╞╴	1	╁	╡	╁	╡		┝	┪		누	┼	H	븎				┝	╡	
Other water (identify type)	Ē			j			֓֞֞֜֞֞֜֞֞֜֞֞֜֞֜֞֜֞֜֞֜֞֜֞֞֜֞֜֞֞֜֞֞֜֞֜֞֜֞֞֜֞֞֜֞֜				]			]	T					Ī	5	
<sup>1</sup> Check appropriate boxes that bes jurisdictional aquatic resource are		scribe	type	of iso	late	d, non	-na	vig	able, int	tra-s	itate	wate	r pr	esent a	ıd l	est	estimat	te for	size of	non		
Migratory Bird Rule Factors <sup>1</sup> :						Т		1	If Know	n		Т					If Unk	nown	1			
						L													Judgme			
							•	es	•	No		1	edic		No		pected	to				Make ition
Is or would be used as habitat for Migratory Bird Treaties?	bird	s prot	ected	by									Oc	cur			ccur		$\boxtimes$	ern	ша	tion
Is or would be used as habitat by o	the	r migr	atory	bird	s tha	at													$\boxtimes$			
Is or would be used as habitat for	ends	angere	ed spe	cies?		-				7		$  \Box$						$\dashv$	$\boxtimes$			
Is used to irrigate crops sold in int	erst	ate co	mmei	rce?		$\neg$	ᄐ		╗	1		╽┌			$\overline{\sqcap}$			$\neg$	Ħ			
<sup>1</sup> Check appropriate boxes that bes non-navigable, intra-state aquatic				ntial f	or a	pplica	bili	ty	of the M	ligra	tor	y Biro	l Rı	ile to ap	ply	to	onsite, r	non-j	urisdict	ions	ıl, is	solated,
TYPE OF DETERMINATION	V:			P	reli	minaı	ry [		or .	App	rov	⁄ed ∑	3									
ADDITIONAL INCODMATIC	) NI	CHDI	ים עם	TING	NI S	ID /~		ire	·4)•													
ADDITIONAL INFORMATION SUPPORTING NJD (required):  1. Site/Environmental Conditions Total Size of Non-Jurisdictional Water Feature																						
Does water feature extend off of project site? Y/N																						
		N N	Vould Iumb	l pro er of	pos wa	ed dis	cha atu	res	ge fill ei s deteri	ntire	e wa	ater 1	feat	ure?								
		_1_ 2*							J 42			4 ! -		l.a 4! -	_	<u>.</u> :		4				

- 2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: Isolated, non-navigable, intrastate water, which has no known nexus to interstate commerce.
- 3. Do waters of the U.S. exist on the site? Y/N

If Yes, approximate size of jurisdictional water(s):

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

OISTRICT OFFICE: Galveston District D-18466 Site 2 REGULATORY PROJECT MANAGER: Mark Pattillo PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): At project site (Y/N): N Date: PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): Name of waterway or watershed:  Galveston District D-18466 Site 2  Date: 7 April 2006 Y Date: 7 April 2006 Y Date: 7 April 2006 N Date:  Villacy Cetas County: Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): La Sal Vieja													
Name of waterway or	watersh	ed:				LaS	Sal Vieja						
SITE CONDITIONS:  Type of aquatic resource 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac > 50 ac Linear Unknown													
Type of aquatic resource <sup>1</sup>	Type of aquatic resource 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac 5-50 ac Linear feet												
Lake	$\boxtimes$	П	$\vdash$	$\vdash \sqcap$									
River		Ħ	Ħ					T T					
Stream			╅╒	┪	一一								
y Wash													
udflat													
andflat													
Vetlands													
Slough		H	╁Ħ	╅	-   片	ᅥ片							
Prairie pothole		╁┼	╁Ħ╌	╅	ᅥ片	ᅥ片							
Wet meadow		H	╁Ħ╌	╅	-	ᆉ							
Playa lake		┞╠┤	╁╫	+ $=$	<del>-       -   -   -   -   -   -   -   -  </del>	┵							
Vernal pool	H	H	+=	ᅡ片			<del></del>	<del>                                      </del>					
Natural pond	<del>                                     </del>	<del>                                     </del>	+ ==				<del></del>						
Other water (identify type)		<del>                                     </del>	╁┼┼		$\dashv \exists$	ᅥ片		<del></del>					
other water (identity type)		🖳	🖳					🗕					
<sup>1</sup> Check appropriate boxes that bes jurisdictional aquatic resource are	t describe a.	type of iso	lated, no	n-navigabl	e, intra-state	water presei	nt and best estimate	for size of non-					
							****						
Migratory Bird Rule Factors <sup>1</sup> :				li K	nown		If Unkno Use Best Profession						
				Yes	No	Predicted	Not Expected to						
						to Occur	Occur	Determination					
Is or would be used as habitat for Migratory Bird Treaties?													
Is or would be used as habitat by ocross state lines?													
Is or would be used as habitat for	endangere	d species?											
Is used to irrigate crops sold in int	erstate cor	mmerce?						$\boxtimes$					
<sup>1</sup> Check appropriate boxes that bes non-navigable, intra-state aquatic			for appli	cability of t	he Migrator	y Bird Rule t	o apply to onsite, no	n-jurisdictional, isolated,					
TYPE OF DETERMINATION	٧:	P	relimin	ary 🗌 o	or Approv	ved 🛚							
ADDITIONAL INFORMATION SUPPORTING NJD (required):  . Site/Environmental Conditions  Total Size of Non-Jurisdictional Water Feature  Does water feature extend off of project site? Y/N  Would proposed discharge fill entire water feature? Y/N  Number of water features determined Non-Jurisdictional  Other relevant information													
	0	cr i ele	1111										

3. Do waters of the U.S. exist on the site? Y/N If Yes, approximate size of jurisdictional water(s):

2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: Isolated, non-navigable, intrastate water, which has no known nexus to interstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-16735 (Site 1)

REGULATORY PROJECT MANAGER:

Hoth

Date: 15 November 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 12 April 2006

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State: County: <u>TX</u> Brazoria

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 29° 02' 23"N, 95° 20' 54"W

Name of Waterway or Watershed

2.00 acres Austin-Oyster

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources <sup>1</sup>				ac	ac	ac	ac	Feet	
Lake									
River									
Stream								_	
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-invisitional aquatic resource area.

Manager Pint But Frage 2	If Kı	nown	If Unknown Use Best Professional Judgment						
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination				
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X				
Is or would be used as habitat by other migratory birds that cross state lines?					X				
Is or would be used as habitat for endangered species?					X				
Is used to irrigate crops sold in interstate commerce					X				

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

### TYPE OF DETERMINATION:

### PRELIMINARY or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-18478 (Sites 1 and 2)

REGULATORY PROJECT MANAGER: Hoth Date: 27 March 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N) Date: 30 May 2006

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:
Center Coordinates of Site by Latitude & Longitude Coordinates
Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

TX Fort Bend

29° 44' 52"N, 95° 48' 41"W

20

Willow Fork of Buffalo Bayous

### SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources <sup>1</sup>				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat				_					]
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment							
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination					
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X					
Is or would be used as habitat by other migratory birds that cross state lines?					X					
Is or would be used as habitat for endangered species?					X					
Is used to irrigate crops sold in interstate commerce					X					

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

### TYPE OF DETERMINATION:

### PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site, are not located within the 100-year floodplain of a water of the United States and are not part of a surface tributary system of a water of the United States. Therefore, the wetlands within the project areas are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project sites.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-18526

REGULATORY PROJECT MANAGER:

**Hoth** 

Date: 24 April 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 25 May 2006

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State: County:

<u>TX</u> Galveston

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 35' 43"N, 94° 59' 29"W

Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

Galveston Bay

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									]
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Minutes Died Dule France <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment							
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination					
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X					
Is or would be used as habitat by other migratory birds that cross state lines?					X					
Is or would be used as habitat for endangered species?					X					
Is used to irrigate crops sold in interstate commerce					X					

<sup>&</sup>lt;sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

### TYPE OF DETERMINATION:

## PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site are not part of surface tributary system to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG G	alveston Di	strict						
FILE NUMBER:	D-14802/(0	1)	A		N.				
REGULATORY PROJECT MAN	NAGER:	Weitknech	M C	الل الله	$\mathcal{X}$	-	Date:		20-May-06
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:	In the office _		Y		Date:		20-May-06
			At the Project	Site	N		Date:		
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or Wa	ite by Latitu e/Property (						Texas Galveston 29 28' 33" West Galv	N, 95 05' 38" \ eston Bay	N 47
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat	ļ								
Wetlands			X						
Slough	ļ								
Prairie Pothole									
Wet Meadow								-	
Playa Lake					-			-	
Vernal Pool Natural Pond	-						-		
Other Water (Identify Type)									
1 Check appropriate boxes that	at best desc	ribe type	of isolated.	non-navig	able, intra-	state wate	r present a	nd best	
estimate for size for non-jur	risdictional	aquatic re	source area	a.	,				
Migratory Bird Rule Factors <sup>1</sup> :				If Kı	nown		Jse Best P	f Unknown rofessional J	
				Yes	No	Predicted to Occur		pected to Docur	Not Able to Make Determination
Is or would be used as habita	t for birds p	protected b	у			,			
Migratory Bird Treaties?						Х			
Is or would be used as habita	t by other n	nigratory b	irds that						
cross state lines?	11					X			V
Is or would be used as habita					V			<u> </u>	Х
Is used to irrigate crops sold					X		L		
<sup>1</sup> Check appropriate boxes the isolated, non-navigable, intra				olicability o	of the Migra	atory Bird F	Rule to app	ly to onsite, r	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	X	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential

navigation or interstate commerce connections - 1 to 3 paragraphs):



SUBJECT: D-14802/(01); Jurisdictional Verification, Approximately 47 Acres, Northeast quadrant of the Intersection of Interstate 45 and FM 646, City of League City, Galveston County, Texas

- 1. The total project site is approximately 47 acres. Located within the project boundaries are three isolated wetlands of an undetermined size. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system of a water of the United States..
- 3. No waters of the U.S. are present on the subject tract.

ORIGINAL SIGNED BY

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG					9			
FILE NUMBER:	D-18164	_		U.					
REGULATORY PROJECT MA	NAGER:	Weitknech	nt			_	Date:		7-Apr-06
PROJECT REVIEW/DETERMI	NATION CO	OMPLETED:	In the office		Υ		Date:		7-Apr-06
		22.23.	At the Project		-		Date:		10-Feb-06
PROJECT LOCATION INFORMATION State: County: Center Coordinates of Stapproximate Size of Site Name of Waterway or Waterway	Site by Latit e/Property		jitudinal Co	pordinates			Texas Fort Bend	n, 95 41' 33" \ zos	
Tune of Agustic Becourse	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake							ļ		
River						ļ			
Stream									
Dry Wash Mud Flat					-				
Sand Flat		1				_	<del>                                     </del>		
Wetlands			V				-	<u> </u>	
Slough	<u> </u>		Х					ļ	
Prairie Pothole		+					<del>                                     </del>		
Wet Meadow	+	+		-			-		
Playa Lake	<del>-</del>	1			+			1	
Vernal Pool					+				
Natural Pond	+				+				
Other Water (Identify Type)									
1 Check appropriate boxes th	at best des	cribe type o	of isolated.	non-navid	able, intra-	state wate	r present a	nd best	
estimate for size for non-ju									
Migratory Bird Rule Factors <sup>1</sup> :	1			If K	nown			lf Unknown rofessional J	udgment
				Yes	No	Predicted to Occur	1	pected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?	t for birds	protected b	y						x
Is or would be used as habita	t by other	migratory b	irds that						
cross state lines?	,	.g , w				x			
Is or would be used as habita	t for endar	ngered spec	ies?						х
Is used to irrigate crops sold					Х			1	1
<sup>1</sup> Check appropriate boxes th isolated, non-navigable, intra	at best des	cribe poten	itial for app	olicability	•	tory Bird F	Rule to app	ly to onsite, r	non-Jurisdictional,
TYPE OF DETERMINATION:				Prelimina	iry	or	Approved	ı x	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):



### MEMORANDUM FOR THE FILE

SUBJECT: **D-18164**; Jurisdictional Determination, Sprint Companies, 25-Acre Site, West of O'Brien Road, Fort Bend County Texas

- 1. The total project site is approximately 25 acres. Located within the project boundaries are an undetermined amount of what appears to be wetlands. If these areas are indeed wetlands they are isolated and not subject to Corps jurisidiction. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these apparent wetlands are to be filled.
- 2. The apparent wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and they are not part of a surface tributary system to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

ORIGINAL SESSED BY

Glenn Weitknecht Regulatory Specialist

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG

FILE NUMBER:	D-18066								
REGULATORY PROJECT MAI	NAGER:	Weitknech	ıt				Date:		
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:	In the office		Υ		Date:		6-Apr-06
			At the Projec	t Site	Υ		Date:		10-Feb-06
PROJECT LOCATION INFORM	AATION:								
State:	ATION.						Texas		
County:							Fort Bend		
Center Coordinates of S	ite by Latit	ude & Lona	itudinal C	oordinates				N, 95 42' 37" \	N
Approximate Size of Site								.,	1,200
Name of Waterway or Waterway		,		,,			Lower Braz	zos	,
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)	-								
1 Check appropriate boxes the	at best des	cribe type o	of isolated.	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jur	isdictional	aquatic res	source are	a					
Migratory Bird Rule Factors1:				If K	nown			f Unknown	
<b>3</b> ,						l	Jse Best P	rofessional J	
				Yes	No	Predicted to Occur		pected to Docur	Not Able to Make Determination
Is or would be used as habita	t for birds	protected b	<u></u>						
Migratory Bird Treaties?							Х		
Is or would be used as habita	t by other	migratory b	irds that						
cross state lines?							Χ		
Is or would be used as habita	t for endar	igered spec	ies?						Χ
Is used to irrigate crops sold	in intersta	te commerc	e?		X				
<sup>1</sup> Check appropriate boxes the isolated, non-navigable, intra-				plicability o	of the Migra	tory Bird F	Rule to app	ly to onsite, r	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	X	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

# MEMORANDUM FOR THE FILE COPY

SUBJECT: D-18066; Jurisdictional Delineation Verification, TXI 1,200-Acre Harlem Road Site, Centennial Park Addition, City of Pearland, Brazoria County, Texas

- The total project site is 1,200 acres. Located within the project boundaries are 6.73 acres of isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
- 3. There are 3.48 acres of jurisdictional waters of the United States present on the subject tract.

OPRIGINAL TO THE STATE

Glenn Weitknecht Regulatory Specialist

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK **COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:	GALVEST	ON				_			
FILE NUMBER:	D18470		_			_			
REGULATORY PROJECT MA	NAGER:	Johnson	_			_	Date:		5/25/2006
PROJECT REVIEW/DETERMI	NATION CO	MPLETED:	Y		(Y/N)		Date:		3/25/2006
			At the Project	Site	(Y/N)		Date:		
PROJECT LOCATION INFORI	MATION:						_		
State:							Texas		
County:	Oita bu Lati		mituralina I C				San Jacint		
Center Coordinates of a Approximate Size of Si							294167E	3383930N	
Name of Waterway or V		(including	opianus &	in Acres).			San Jacint	o River	
Maine of Waterway of V	vatersneu.						Jan Jacini	O I NIVEI	
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	xxxxx								
Slough									
Prairie Pothole			_		-	ļ			
Wet Meadow					_				
Playa Lake				_	<del>      </del>				
Vernal Pool Natural Pond	-		_	_	<del>                                     </del>		_		
Other Water (Identify Type)									
1.011	-4 54 -4		f != = ! = 4 = = !		abla latas	-4-44			
Check appropriate boxes the estimate for size for non-july					abie, intra-	state water	present al	na best	
		aquauc res	ource area		nown			f Unknown	
Migratory Bird Rule Factors <sup>1</sup> :	•					۱ ۱	-	rofessional J	ıdament
					T	Predicted		pected to	Not Able to Make
				Yes	No	to Occur	1	ccur	Determination
Is or would be used as habita	t for birds	protected b	у						
Migratory Bird Treaties?	•		-						XXX
Is or would be used as habita	t by other n	nigratory b	irds that						
cross state lines?									XXX
Is or would be used as habita	t for endan	gered spec	ies?						XXX
Is used to irrigate crops sold	in interstat	e commerc	e?						XXX
<sup>1</sup> Check appropriate boxes th isolated, non-navigable, intra	at best desc	cribe poten	tial for app	licability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	гу	or	Approved	xxxx	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston	<u> </u>				_			
FILE NUMBER:	D-170800	1	_			- -			
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:		5/18/200
PROJECT REVIEW/DETERM	INATION CO	OMPLETED:	In the office	YES	(Y/N)		Date:		5/18/2006
			At the Projec		(Y/N)		Date:	9/8/05, 3/7/0	
PROJECT LOCATION INFOR State: County: Center Coordinates of Approximate Size of S Name of Waterway or N	Site by Lati	(Including					Texas Liberty Site 1 30° 439-ac San Jacin		08' 39"W, Site 2
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream			_		ļ			ļ <u>.</u>	
Dry Wash						<del></del>			
Mud Flat Sand Flat									
Wetlands	+				VVVVVV				
Slough	<del> </del>	<del> </del>			XXXXXX			<del>                                     </del>	
Prairie Pothole	+	-	_		<u> </u>			<del>                                     </del>	
Wet Meadow	<del>-</del>	<del>                                     </del>		<del></del>		_		<del>                                     </del>	
Playa Lake					<del> </del>			_	
Vernal Pool									
Natural Pond							_		
Other Water (Identify Type)									
Drainage Ditch/Fish ponds	7	Stock							
1 Check appropriate boxes th	at best des		f isolated.	non-navig	able intra-	state water	present a	nd best	
estimate for size for non-ju							p		
Migratory Bird Rule Factors 1				lf K	nown	L		lf Unknown rofessional J	udgment
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make Determination
Is or would be used as habita	at for birds p	protected b	y		1				
Migratory Bird Treaties?									xxxxx
Is or would be used as habita	it by other n	nigratory b	irds that						
cross state lines?	4.6		0		_				XXXXX
ls or would be used as habita									XXXXX
Is used to irrigate crops sold				!! <b>b</b> !!!4	£ 41- 15:	D'-4 D	.1.4		XXXXX
Check appropriate boxes the isolated, non-navigable, intra				iicabiiity o	t the Migra	tory Bira K	иіе то аррі	y to onsite, n	ion-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	y	or	Approved	Xxxxxxx	
OPTIONAL ADDITIONAL INFO									

Stock ponds are exempt

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	CES		
REGULATORY PROJECT MANAGER:	_Fordy	ce	_ Date: 6/21/06
PROJECT REVIEW/DETERMINATION CO	MPLETED:	In the office Yes (Y/N) At the project site (Y/N)	Date: 6/21/06 N) Date:
PROJECT LOCATION INFORMATION:			
State:		TX	
County:		Harris	
Center coordinates of site by latitude	& longitudinal co	oordinates: UTM 2	269409E, 3315801N
Approximate size of site/property (inc			•
Name of waterway or watershed:	<b>.</b>	•	Bayou

## SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X	_							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹Check appropriate boxes that b	est describe	type of iso	lated non-	navigable, i	ntra-state wat	er present an	d best estim	ate for size of	non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If k	Cnown		If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
Is or would be used as habitat by other migratory birds that cross state lines?			X					
Is or would be used as habitat for endangered species?		X						
Is used to irrigate crops sold in interstate commerce?		X						

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TVDE	OF DI	TERM	TNAT	ION.
I Y PF.	()F  )I	'. I F.K  VI	INAI	ICIN:

Preliminary	Or	Approved X.
Preliminary	Or	Approvea A.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston					•			
FILE NUMBER:	D-18317	_							
REGULATORY PROJECT MAR	NAGER:	Dwayne J	ohn <u>so</u> n	_			Date:		5/3/2006
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED	: In the office	YES	(Y/N)		Date:		5/3/2006
TROOPOT NEVIEW DETERMINE	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		At the Project		(Y/N)		Date:		4/4/2006
			, a a		(,				
PROJECT LOCATION INFORM State:	MATION:						Texas		
County:	N4 - b 1 -45	4	-14111.0				Chambers		MAU/209 FOL 028NL 04
Center Coordinates of S	-		•		<b>:</b> :		6.8 and 72		W/29° 50' 03"N, 94
Approximate Size of Sit		(including	Opianas &	in Acres):				c-acres ou/Lower Trini	<u></u>
Name of Waterway or W	ratersneu:						vinile bay	Ou/Lower Thin	<u> </u>
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash			<u> </u>						
Mud Flat									
Sand Flat			10000000						
Wetlands			XXXXXXX						
Slough							_		
Prairie Pothole									
Wet Meadow			<del> </del>					<del> </del>	
Playa Lake Vernal Pool									
Natural Pond	<u> </u>								
Other Water (Identify Type)			_						
	1				İ	•			
Drainage Ditch/Fish ponds	41 - 44 -					4-44		- 4 5 4	
Check appropriate boxes that estimate for size for non-jur	t Dest des	cribe type o	of Isolated,	non-navig	abie, intra-	state water	present a	na best	
	Suicuonai	aquatic res	Source area		iown :			f Unknown	
Migratory Bird Rule Factors <sup>1</sup> :				11 13	OWII			rofessional J	udament
				The Table		Predicted		pected to	Not Able to Make
				Yes	· No	to Occur	1	Occur	Determination
Is or would be used as habitat	for birds	protected b	v			, u o o o o o o o o o o o o o o o o o o			
Migratory Bird Treaties?			'						XXXXX
Is or would be used as habitat	by other r	nigratory b	irds that						
cross state lines?	•	•							XXXXX
Is or would be used as habitat	for endan	gered spec	ies?						XXXXX
Is used to irrigate crops sold i									XXXXX
<sup>1</sup> Check appropriate boxes tha isolated, non-navigable, intra-	t best des	cribe poten	tial for app	licability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,

Preliminary \_\_\_\_

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): 72-acre tract appears to have wetlands that have no nexus to

or

**Approved Xxxxxx** 

TYPE OF DETERMINATION:

interstate commerce & no hydrological connection.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

**CESWG** 

FILE NUMBER:

D-17764(01)

REGULATORY PROJECT MANAGER:

Doug Boren

Date: 26 April 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: Y(Y/N)

Date: 21 April 2006 Date: 16 March 2006

29° 46' 15"N, 95° 34' 07"W (NAD83)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) Name of Waterway or Watershed

13.57 acres

<u>Texas</u>

**Harris** 

Buffalo-San Jacinto

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources <sup>1</sup>				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands	X								
Slough						_			
Prairie Pothole									
Wet Meadow						_			
Playa Lake				·					
Vernal Pool	_								
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?				_	X		
ls or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Attached

## Additional Information Supporting NJD

- 1. D-17764(01); Harris County Flood Control District, Audobon Society's Edith L. Moore Sanctuary, Jurisdictional Delineation Verification, 13.57-Acre Tract Adjacent to Rummel Creek, Harris County, Texas.
- 2. The project area does have a wetland area that does not have a surface hydrologic connection to a navigable water of the United States. The wetland area is located outside of the 100-year flood plain and does not have a nexus to interstate commerce. A site visit was conducted on 16 March 2006. The entire wetland area was surrounded by uplands. Any dredged or fill material placed within the wetland area would not have a significant effect on any navigable water of the United States.
- 3. This is an approved jurisdictional determination.

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	<u> </u>				_			
FILE NUMBER:	D18325					_			
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson_			_	Date:		4/24/2006
PROJECT REVIEW/DETERMI	NATION C	OMPLETED:	In the office	yes	_ (Y/N)		Date:		4/24/2006
			At the Projec	t yes	(Y/N)		Date:		3/30/2006
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Si Name of Waterway or V	Site by Lat te/Property	/ (Including					Texas Harris 30° 01' 15' Spring Cre	"N, 95° 36' 52" eek	'W 130
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake			_						
River	<u> </u>								
Stream								<u> </u>	
Dry Wash			_						
Mud Flat			_	-					
Sand Flat			_						
Wetlands				_					
Slough Prairie Pothole				<u></u>				-	
Wet Meadow	_			<u> </u>	<del>-</del>				
Playa Lake		+		-	-				<del></del>
Vernal Pool	_	+					-		
Natural Pond	+	+		<del>                                     </del>					
Other Water (Identify Type)				Ponds					
1 Check appropriate boxes th	at hest des	cribe type (	of isolated		able intra-	state water	nresent a	nd best	
estimate for size for non-ju	risdictiona	aguatic res	source area	a.	ubio, ma	otato mato.	procenta		
Migratory Bird Rule Factors <sup>1</sup> :					nown			lf Unknown rofessional J	udament
						Predicted		pected to	Not Able to Make
				Yes	No	to Occur		Occur	Determination
Is or would be used as habita	t for birds	protected b				10 0000			201011111111111111111111111111111111111
Migratory Bird Treaties?		•	•						xxxx
Is or would be used as habita	t by other	migratory b	irds that						
cross state lines?	•			1					xxxx
Is or would be used as habita	t for endar	ngered spec	ies?						XXXX
Is used to irrigate crops sold									XXXX
<sup>1</sup> Check appropriate boxes th	at best des	scribe poten	tial for app	olicability o	f the Migra	tory Bird R	ule to app	ly to onsite, n	
isolated, non-navigable, intra	-state aqua	atic resourc	e area.					\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	XXXXX	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., dicussion may include information reviewed to assess potential navigation or interstate commerce connections -1 to 3 paragraphs): Isolated ponds with no direct evidence of a hydrological connection to another water of the US nor any nexus to nterstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**CESWG** 

FILE NUMBER:

D-17093

REGULATORY PROJECT MANAGER:

Doug Boren

Date: 06 April 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date:06 April 2006 Date:

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

**Texas** Harris

30° 06′ 14"N, 95° 37′ 27"W (NAD83)

10 acres Spring

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Attached

## Additional Information Supporting NJD

- 1. D-17093, Integrated Real Estate, Jurisdictional Determination for the 10-Acre Tract of Vacant Land, Located in Tomball, Harris County, Texas.
- 2. The project area does have wetland areas that do not have a surface hydrologic connection to a water of the United States. There is no surface hydrologic connection between the wetland and a navigable water of the United States. The wetland is not located within the 100-year floodplain. The area does not appear to have a nexus to interstate or foreign commerce. The wetland area on the project property appears to simply be a depressional wetland that collects excess rainwater run-off from higher elevations and pools long enough for the area to exhibit the three wetland characteristics. Excess rain water from the wetland area would have to sheet flow over uplands and into a roadside drainage ditch and then drain into the nearest water of the United States.
- 3. This is an approved jurisdictional determination.

# DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	GALVEST	ON				_			
FILE NUMBER:	D18603					_			
REGULATORY PROJECT MA	NAGER:	Johnson				-	Date:	60-06-06	
PROJECT REVIEW/DETERMI	INATION CO	MPLETED	:DESK YES	i	(Y/N)		Date:		6/6/2006
			At the Project	t Site	(Y/N)		Date:		
PROJECT LOCATION INFOR State: County: Center Coordinates of Approximate Size of Si Name of Waterway or N	Site by Lati						Texas Montgome 30° 12' 53 Bear Bran	"N, 95° 33' 59	<b>W</b> 65
<u> </u>	F-20.1.31				loga er i or			1	[F ]
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXX								
Slough									
Prairie Pothole									
Wet Meadow		<u> </u>							
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)	-								
1 Check appropriate boxes the	at best des	cribe type o	f isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jui		aquatic res	ource area		own			f Unknown	The second
Migratory Bird Rule Factors <sup>1</sup> :					jowii sala		Jse Best P	rofessional J	udgment_
		ti dan sa		Yes	No	Predicted to Occur	1.5	pected to occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?									xxx
Is or would be used as habita	t by other n	nigratory bi	rds that						
cross state lines?									XXX
Is or would be used as habita									XXX
Is used to irrigate crops sold									XXX
<sup>1</sup> Check appropriate boxes that isolated, non-navigable, intra-				licability of	f the Migrat	ory Bird R	ule to appi	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	xxxx	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	<u>CESWG</u>		
FILE NUMBER:	<u>D-18113</u>		
REGULATORY PROJECT 2006	MANAGER:	J.M.Hudson	Date: 23 March
PROJECT REVIEW/DETE	RMINATION COM	MPLETED: In the office: $Y(Y/N)$ At the project Site: $(Y/N)$	Date: 23 March 2006 Date:
PROJECT LOCATION INF	ORMATION:		
State:			<u>TX</u>
County:			<u>Harris</u>
Center Coordinate	s of Site by Latitud	le & Longitude Coordinates	29 48'26"N 95 43'24"W
Approximate Size	of Site/Property (In	ncluding Uplands & in Acres)	

### SITE CONDITIONS:

Name of Waterway or Watershed

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Addicks Reservoir

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-invisite innal anyttic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kı	nown	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce				_	X		

<sup>&</sup>lt;sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED  $\underline{X}$  ADDITIONAL INFORMATION SUPPORTING NJD:Does not meet criteria for neighboring, bordering or contiguous.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: <u>CESWG-PE-RC</u>

FILE NUMBER: <u>D-15204/(01)</u>

REGULATORY PROJECT MANAGER: J.M.Hudson Date: 3 April 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: (Y/N) Date:16 February 2006

At the project Site: (Y/N) Date: 24 February 2006

PROJECT LOCATION INFORMATION:

State: Texas
County: Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

29 55'18"n 95 14'41"

Name of Waterway or Watershed Greens Bayou

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources <sup>1</sup>				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat		_							
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Kr	nown	If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands had no direct hydrological surface connection and did not meet the threshold for neighboring.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-18711

REGULATORY PROJECT MANAGER: John Davidson Date: 20 June 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N) Date:20 June 2006

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State: Texas
County: Harris

Center Coordinates of Site by Latitude & Longitude Coordinates 30-I-50.6418 N; 95-30-6.0354 W

Approximate Size of Site/Property (Including Uplands & in Acres) 46 Acres

Name of Waterway or Watershed Spring Creek watershed

### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat						_			
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool		_							
Natural Pond									
Other Water (Identify									
Type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			х		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					Х

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contains wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.